

2013 CT Legislation: AB1126 and SB804

Presentation to the Los Angeles County
Integrated Waste Management Task Force
October 17, 2013

Overview

California has a confusing array of pathways for permitting CTs. The passage of AB 1126 adds 1 more.

Transformation

Gasification

Non-MSW
Conversion

Composting

Biomass
Conversion

EMSW
Conversion

AB 1126 (Gordon/Mullins): EMSW Conversion

» Chaptered by the Secretary of
State on September 28, 2013

Sponsored by CalRecycle

Definition

Engineered Municipal Solid Waste Conversion (EMSW Conversion) means the conversion of solid waste that meets all of the following requirements:

Beneficial and effective in that it replaces or supplements the use of fossil fuels

Waste, resulting ash, and other products of conversion do not meet the criteria of hazardous waste

Conversion is efficient and maximizes the net calorific value and **burn rate** of the waste

Waste converted is **less than 25 percent moisture** and **less than 25 percent noncombustible waste**

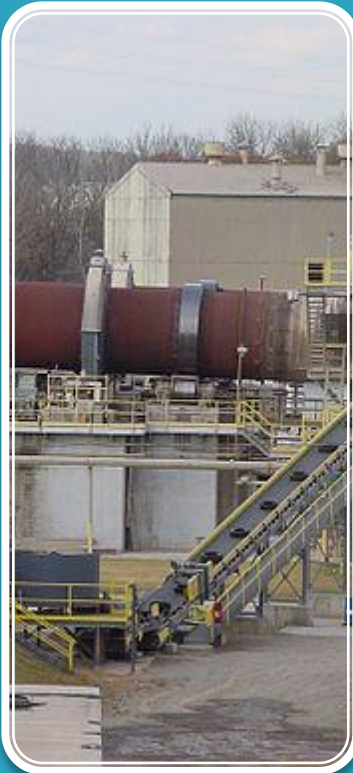
Handling of waste must be in compliance of PRC Division 30, no more than 7 day supply stored on site (based on throughput capacity)

No more than **500 tpd of waste** converted at the facility

Waste to be converted is mechanically processed at a transfer or processing station to **reduce fraction of chlorinated plastics and materials**

The waste has an **energy content no less than 5,000 BTU per pound**

Classified as Disposal

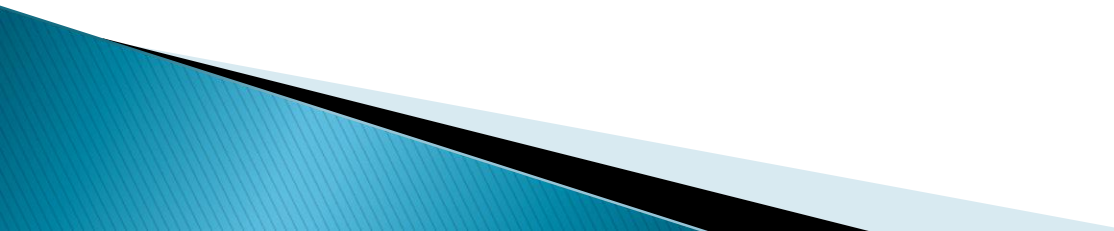


EMSW conversion is disposal, but not transformation

- EMSW Conversion Facility = Disposal Facility
PRC Section 40194
- EMSW Conversion Facility = Solid Waste Facility
PRC Section 40194
- EMSW Conversion is excluded in the definition of “transformation” *
PRC Section 40201
- EMSW Conversion is specifically excluded from the definition of “transfer” or “processing station”
PRC Section 40200

* Transformation facilities may elect to be considered a EMSW Conversion Facility provided all requirements are met.


Inclusion in the CSE

- ▶ The Countywide Siting Element (CSE) is required to include a description of the areas to be used for EMSW Conversion *[PRC Section 41700]*
 - ▶ A siting element providing for an EMSW conversion facility is only required to be approved by the city in which it is located, or if the EMSW is not located in a city, by the county *[PRC Section 41721]*
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Inclusion in the Per Capita Disposal Rate

- ▶ “Per capita disposal” does not include used tires or waste tires *[as defined in Article 1 (commencing with Section 42800) of Chapter 16 of Part 3]* that are converted at a EMSW conversion facility
- ▶ “Per capita disposal” does not include biomass material *[as defined in subdivision (a) of Section 40106]* that is converted at a EMSW conversion facility
- ▶ For the purpose of determining the base rate of solid waste from which diversion requirements shall be calculated, “solid waste” includes the amount of solid waste diverted from a EMSW facility *[PRC Section 41781]*

Conclusion


- ▶ Sponsored by CalRecycle, AB 1126 moved swiftly through the Legislature to the Governor's desk.
 - ▶ The intent of AB 1126 was to assist the cement kiln industry in California.
 - ▶ AB 1126 was opposed by the Task Force, industry representatives, and environmental groups (Sierra Club), but ultimately was signed by the Governor.
 - ▶ Perpetuates CT status as disposal, not renewable, and a 3rd class option for MSW
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SB 804 (Lara): Biomass Conversion

» Vetoed by Governor Brown on
October 11, 2013

*Sponsored by Los Angeles County
and the California State Association
of Counties*

What was in SB 804?

- ▶ Added Conversion Technology to the definition of biomass
 - ▶ Defined Biomass Conversion Facility
 - ▶ Required Air Districts to ensure that new facilities meet all the requirements for best available control technology for criteria air pollutants, toxic air contaminants, and greenhouse gases
 - ▶ Allowed CalRecycle to inspect the facility to ensure it is processing only biomass that meets the local certification and is limited to the eligible biomass waste stream
 - ▶ Required facilities to prove to local jurisdictions that they will cause no net increase in toxic air emissions, and are not designed to produce hazardous waste unless it is treated on site and disposed of in accordance with State law.
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Vetoed

OCT 11 2013

To the Members of the California State Senate:

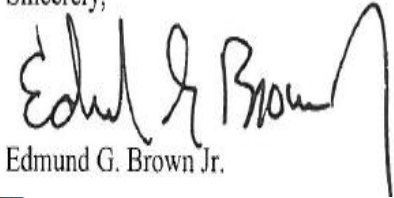
I am returning Senate Bill 804 without my signature.

This bill would expand the existing definition of biomass conversion to include non-combustion thermal, chemical, or biological processes.

While I agree with the intent of the bill, last minute amendments made the bill overly complicated and unworkable.

Therefore, I am directing the Department of Resources, Recycling and Recovery, in conjunction with stakeholders, to develop a sensible approach that would apply to all biomass facilities irrespective of the technologies used.

Sincerely,



Edmund G. Brown Jr.

- ▶ On Oct. 11, 2013, Governor Brown vetoed SB 804. In his veto message, the Governor indicated that he agreed with the intent of the bill, however, *"last minute amendments made the bill overly complicated and unworkable."*
- ▶ He also directed CalRecycle to work with stakeholders to *"develop a sensible approach that would apply to all biomass facilities irrespective of the technologies used."*

Conclusion

- ▶ SB 804 would have been the first piece of legislation to **make progress for conversion technologies** in California since the enactment of AB 939 in 1989.
 - ▶ LA County will continue to work with stakeholders throughout the state to promote conversion technologies and overcome regulatory hurdles.
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